

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GLOBEFILL INCORPORATED,  
a Canadian corporation,

Case No: 10-CV-2034 CBM (PLAx)

Hon. Consuelo B. Marshall

## **[Proposed] Permanent Injunction Order**

ELEMENTS SPIRITS, INC.,  
a California corporation, and KIM  
BRANDI, an individual,

## Defendants.

This Court has jurisdiction over the parties and of the subject matter of this action. Venue is proper in this judicial district.

21 The jury having found for Plaintiff Globefill Incorporated (“Plaintiff”) and  
22 against Defendants Elements Spirits, Inc. and Kim Brandi (collectively,  
23 “Defendants”) for using a trade dress for KAH Tequila, namely skull-shaped  
24 calavera bottles that were introduced into evidence at the trial as Exhibits 55-58 and  
25 772 (the “KAH Tequila Trade Dress”), in a manner that is likely to cause confusion  
26 among ordinary consumers as to the source, sponsorship, affiliation, or approval of  
27 the parties’ goods, specifically with Plaintiff’s Crystal Head Vodka trade dress,  
28 a skull-shaped bottle covered by the trademark bearing U.S. Registration

1 No. 4,043,730 (the "Crystal Head Vodka Trade Dress"), in violation of 15  
2 U.S.C. § 1125(a); and having further found that Defendants did so willfully or  
3 intentionally, the Court hereby ORDERS, ADJUDGES AND DECREES as follows:

4 1. Defendants, and each of their officers, agents, servants, employees,  
5 attorneys, and all other persons in active concert or participation with  
6 them, are, subject to the limitations set out within this Permanent  
7 Injunction Order, hereby enjoined, in the United States, from:  
8 a. Manufacturing, distributing, marketing, selling, or offering for  
9 sale their KAH Tequila or any other beverage alcohol product in  
10 the KAH Tequila Trade Dress;  
11 b. Manufacturing, distributing, marketing, selling, or offering for  
12 sale their KAH Tequila or any other alcohol beverage product  
13 which is packaged in a trade dress that is a reproduction,  
14 counterfeit, copy or colorable imitation of the Crystal Head  
15 Vodka Trade Dress, unless such trade dress is expressly  
16 authorized by Plaintiff; and  
17 c. Expressly or by implication, representing that ~~Defendants or any~~  
18 ~~of their goods, including, but not limited to,~~ KAH Tequila, are ~~any other beverage~~  
19 manufactured, approved, authorized, licensed, endorsed, or  
20 sponsored by Plaintiff.  
21 2. Non-party importers, distributors, and retailers who do not fall within  
22 the scope of paragraph 1 above and who have purchased KAH Tequila  
23 on or before March 29, 2017, the date of the jury's verdict in this  
24 action, shall not be bound by this Permanent Injunction Order.  
25 3. The scope of this Permanent Injunction Order is limited to the United  
26 States.  
27 4. Defendants shall, within 90 days of the date of this Permanent  
28 Injunction Order, remove from the United States their unsold inventory

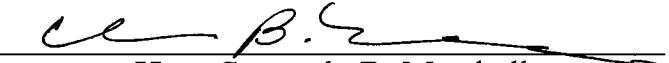
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1 of KAH Tequila in the KAH Tequila Trade Dress.

2 5. Within 120 days after the issuance of this Permanent Injunction Order,  
3 each Defendant is ordered to file with the Court and serve on Plaintiff  
4 a certification that it has complied with this Permanent Injunction  
5 Order.

6 6. The Court retains jurisdiction over the parties to enforce this Permanent  
7 Injunction Order.

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10 Dated: 8/17/2017

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12   
13 Hon. Consuelo B. Marshall  
14 United States District Judge

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